

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**In Re: Dorothy Palmer**

**DOROTHY PALMER,**

**19cv5911 (JGK)**

**Appellant,**

**MEMORANDUM OPINION &**  
**ORDER**

**- against -**

**KENNETH SILVERMAN,**

**Appellee.**

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**JOHN G. KOELTL, District Judge:**

After filing a notice of appeal of an order entered by the Bankruptcy Court for the Southern District of New York on June 24, 2019, the pro se appellant failed to file and serve a brief with supporting papers after the Court twice extended the time to do so, first to October 31, 2019 and then to December 16, 2019. As of the date of this Order, the appellant has still failed to file anything with the Court.

Under Federal Rule of Bankruptcy Procedure 8018(a), unless the district court or the Bankruptcy Appellate Panel so excuses, an appellant "must serve and file a brief within 30 days after the docketing of notice that the record has been transmitted or is available electronically." This time limit is not jurisdictional and therefore the Court has discretion to determine whether dismissal is appropriate when the appellant fails to comply. See In re Tampa Chain Co., Inc., 835 F.3d 54,

55-56 (2d Cir. 1987) (per curiam). Generally, dismissal is warranted when "appellants failed to comply with [the Rule's] time limitation because of bad faith, negligence, or dilatoriness." In re Truong, 388 B.R. 43, 44 (S.D.N.Y. 2008).

In this case, more than six months have elapsed from the time when the appellant filed the notice of appeal to today. By any measure, such a length of time demonstrates negligence and dilatoriness, even when the appellant is proceeding pro se. See id. at 45 ("[A]lthough pro se litigants . . . are generally afforded some latitude, they are nonetheless required to learn and comply with procedural rules.").

Therefore, the bankruptcy appeal is dismissed. The Clerk is directed to close this case.

**SO ORDERED.**

**Dated:      New York, New York  
January 4, 2020**

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**/s/ John G. Koeltl  
John G. Koeltl  
United States District Judge**